



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]

DECISION

BCS/142711

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 31, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Washington County Department of Social Services in regard to Medical Assistance, a hearing was held on September 17, 2012, at West Bend, Wisconsin.

The issue for determination is whether Petitioner's BadgerCare+ benefits were correctly discontinued as she no longer meets eligibility criteria, specifically a having a child under age 19 in her home.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Julie Williamson

Washington County Department of Social Services  
333 E. Washington Street  
Suite 3100  
West Bend, WI 53095

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Washington County.
2. Petitioner filed this appeal to contest the discontinuance of her BadgerCare+ benefit which was effective July 31, 2012.

3. The reason for the discontinuance of the BadgerCare+ was that Petitioner's daughter turned age 19 in March 2012.

### **DISCUSSION**

To be eligible for BadgerCare+ an individual must meet nonfinancial eligibility criteria. Those requirements are detailed in the *BadgerCare+ Eligibility Handbook at §2.1* and those threshold requirements are as follows:

1. Children under 19.
2. Pregnant Women.
3. Parents/Caretakers of children under 19 years of age, including some parents and caretakers whose children have been removed from the home and are in the care of the child welfare system.
4. Young adults exiting out of home care (such as foster care).

Petitioner does not meet the nonfinancial requirements detailed above for eligibility for BadgerCare+ as her child is now age 19.

Petitioner should note that if she has medical issues she may apply for elderly, blind and disabled Medicaid.

### **CONCLUSIONS OF LAW**

That county agency correctly discontinued Petitioner's BadgerCare+ because she no longer meets nonfinancial eligibility requirements for that program.

**THEREFORE, it is**

**ORDERED**

That this appeal is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

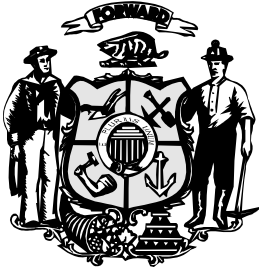
The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 15th day of October, 2012

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David D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals

c: Division of Health Care Access and Accountability, DHSDHADHCAA@Wisconsin.gov -  
DHSDHADHCAA@Wisconsin.gov  
HSDS.Department@co.washington.wi.us, HSDS.Department@co.washington.wi.us - Washington County



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

David H. Schwarz  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on October 15, 2012.

Washington County Department of Social Services  
Division of Health Care Access and Accountability